




CLOSED CASE SUMMARY

ISSUED DATE: JULY 31, 2024

FROM: DIRECTOR GINO BETTS, JR. 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2024OPA-0066

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to Effect an Arrest	Not Sustained - Lawful and Proper (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

Named Employee #1 (NE#1) and Witness Officer #1 (WO#1) responded to a domestic violence (DV) call resulting in the Complainant's arrest. NE#1 supervised WO#1 as WO#1's field training officer on the incident date. The Complainant alleged that he was unlawfully arrested.

ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue a recommended finding based solely on its intake investigation without interviewing the named employee. As such, OPA did not interview the named employee in this case.

On March 7, 2024, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

On February 2, 2024, the Complainant provided a verbal OPA complaint. The Complainant said he and his wife (Community Member #1 or CM#1) argued, which later became physical. The Complainant said CM#1 was intoxicated and fell, injuring her arm. The Complainant said he tried to get CM#1 up, but she responded by grabbing and hitting him. The Complainant acknowledged touching CM#1's neck but said he did so to get her to release and stop hitting him. The Complainant denied choking CM#1. The Complainant alleged that his arrest was unlawful and believed NE#1 should have arrested CM#1 instead.

OPA investigated the complaint, reviewing the computer-aided dispatch (CAD) call report, body-worn video (BWV), and police reports. OPA also interviewed the Complainant.

On January 28, 2024, at 7:23 PM, CAD call remarks noted, "MALE REPORTING A DOMESTIC DISPUTE, FEMALE IN THE BACKGROUND YELLING THAT HE IS HURTING HER."



NE#1 and WO#1 responded to the incident location with their BWV activated, capturing the following:

The Complainant opened the front entrance of the apartment building and told officers that CM#1 was intoxicated, sustained a scrape from falling, and threatened to kill him. WO#1 interviewed CM#1 in her apartment unit. CM#1 said, "My husband beat the crap out of me." CM#1 showed her bloodied arm to WO#1 and NE#1. CM#1 said the Complainant choked her. WO#1 aimed his flashlight at CM#1's neck, inspected it, and told NE#1 that her neck was red. CM#1 acknowledged drinking alcohol. WO#1 stepped aside to speak with Witness Officer #2 (WO#2).¹ WO#1 then interviewed the Complainant, asking him whether he touched CM#1. The Complainant said he threw water at CM#1's face. WO#1 asked again, and the Complainant clarified that he pulled CM#1 off him because he did not want her holding him.² WO#1 and WO#2 handcuffed the Complainant. Another officer at the scene asked WO#1 whether WO#1 investigated the cause of CM#1's injuries. The Complainant, overhearing that officer's question, said CM#1 fell, and he found her on the ground. WO#1 reinterviewed CM#1, who provided consistent statements. WO#1 told CM#1 that the Complainant reported that her injuries were sustained from a fall. CM#1 replied, "He says that all the time" and denied falling. WO#1 screened the investigation with NE#1.

WO#1's and NE#1's police reports were consistent with BWV observations. WO#1 noted, "Based on the circumstances of the call, [CM#1's] statements, and her injuries, I developed probable cause to arrest [the Complainant] for DV Assault 2."

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

6.010 – Arrests, 6.010-POL-1. Sworn Employees Must Have Probable Cause That a Subject has Committed a Crime in Order to Effect an Arrest

The Complainant alleged that he was unlawfully arrested.

Sworn employees must have probable cause to believe a subject committed a crime when effecting an arrest. SPD Policy 6.010-POL-1. Stated differently, where an arrest is not supported by probable cause, it violates law and Department policy. Probable cause exists when the facts and circumstances within an officer's knowledge are sufficient to support a reasonable belief that an offense has been or is being committed. See *State v. Fricks*, 91 Wash.2d 391, 588 P.2d 1328 (1979); *State v. Gluck*, 83 Wash.2d 424, 426–27, 518 P.2d 703 (1974).

WO#1, with NE#1's approval, arrested the Complainant for DV assault. The Complainant's arrest was predicated on CM#1's statements and visible injuries to CM#1's arm and neck. The Complainant's explanation that CM#1 fell was inconsistent with the physical evidence. Under these circumstances, OPA finds that NE#1 had sufficient probable cause to arrest the Complainant for DV assault.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**

¹ According to WO#1's police report, the Complainant reported to WO#2 that he argued with CM#1 over her intoxication, and then she fell, causing injury to her arm. The Complainant reported that he attempted to assist CM#1, but she struck his back.

² WO#1's police report documented, "At this point[,] [the Complainant] did not have any explanation for the marks observed on [CM#1's] neck[,] and his explanation of a fall was not consistent with the injuries I observed on her."